

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

STEVEN S. FRANK, )  
Plaintiff, )  
v. ) No. 3:05-cv-122  
FINANCIAL ACCOUNTS SERVICES )  
TEAM, INC., )  
Defendant. )

## ORDER

This civil action is before the court on the plaintiff's motion for entry of final judgment and for an award of attorney's fees and costs [doc. 13]. The defendant has responded and objects to two of the plaintiff's fee entries [doc. 15]. The plaintiff has filed a reply brief [doc. 17].

The defendant made an offer of judgment, which was accepted by the plaintiff. The offer specifically references an amount of damages and "costs now accrued, including reasonable attorney fees accrued to date." The offer of judgment was made on April 26, 2005, and accepted by the plaintiff shortly thereafter. The plaintiff is claiming \$2500.00 in attorney's fees for work done up to and including April 26, 2005, and \$317.30 in costs.

The defendant objects to two of the fee entries. First, the defendant objects to the fee entry for April 26, 2005, where the plaintiff claims 0.60 hours for a "Conference with W. Boswell (4-24-05); review Response to Motion and Offer of Judgment; research Federal Rules of Civil Procedure." The defendant argues that any time after the plaintiff accepted the offer of judgment (evidently on April 24, 2005) should not be compensated. The court finds that a reasonable interpretation of the language in the offer of judgment, "accrued to date," includes fees earned on the date of the offer of judgment, April 26, 2005. Thus, the defendant's objection to this fee entry will be denied.

The defendant's second objection relates to a fee entry on March 31, 2005, where the plaintiff claims 3.20 hours to "Prepare Interrogatories and Document Requests. Prepare Motion for Judgment on the Pleadings." The defendant says that it only received the Motion for Judgment on the Pleadings and should not be responsible for time spent on pleadings that were never delivered. In response, the plaintiff says nearly all the time claimed was related to the Motion for Judgment on the Pleadings and the memorandum in support of the motion. The court finds that this fee entry is reasonable and the defendant's objection will be denied.

Therefore, it is hereby **ORDERED** that final judgment is entered in favor of the plaintiff and the plaintiff is awarded costs and attorney's fees in the amount of \$2817.30. This civil action is **DISMISSED**. It is further **ORDERED** that the plaintiff's motion for judgment on the pleadings [doc. 7] is **DENIED AS MOOT**.

ENTER:

s/ Leon Jordan  
United States District Judge